



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Hal Stratton
 Commissioner Thomas H. Moore
 Commissioner Mary Sheila Gall

ITEM:

Battat Incorporated \$125,000 Civil Penalty Settlement
(Briefing package dated August 30, 2004, OS No. 4471)

DECISION:

The Commission voted unanimously (3-0) to provisionally accept a Settlement Agreement and Order, which would order Battat Incorporated to pay a civil penalty of \$125,000. The Commission Compliance staff has alleged that Battat failed to timely report to the Commission that the drumsticks from the "Bee Bop Band Drum Set" were breaking into small parts. Battat violated the reporting requirements of section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2064(b). The failure to furnish information required by section 15(b) is a prohibited act under section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4). Section 20(a)(1) of the CPSA, 15 U.S.C. § 2069(a)(1), permits the imposition of civil penalties for any person who knowingly violates section 19 of the CPSA by a company's failure to report information under section 15(b).

For the Commission:

A handwritten signature in black ink, appearing to read "Todd A. Stevenson", is written over a stylized, angular graphic element.

Todd A. Stevenson
Secretary

* Ballot vote due September 8, 2004